IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23124 of 2007(C)

PETITIONER:

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1. SAROJINI, WIFE OF MINALOOR NARAYANAN, MAMPULLY, KARAMUCK P.O., TRICHUR.

2. REMANI, D/O.DO. DO.

3. VIJAYAN, SON OF DO. DO.

4. BABU, SON OF DO. DO.

5. SHEEJA, WIFE OF MINALOOR VIJAYAN, DO.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

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1. KARAMUKKU SERVICE CO-OPERATIVE BANK LTD, KARAMUCK P.O., TRICHUR, REPRESENTED BY ITS SECRETARY.

2. THE SALE OFFICER, A AND E, INSPECTOR NO.IV, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) AYYANTHOLE, TRICHUR.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) AYYANTHOLE, TRICHUR.

BY ADV.SRI.C.E.UNNIKRISHNAN, SC FOR R1
GOVT. PLEADER SMT.ANU SIVARAMAN FOR R2,R3

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No. 23124 OF 2007

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Dated this the 27th day of July, 2007

JUDGMENT

Petitioner challenges Exts.P4 to P6. They are notices issued under Rule 81(E) of the Co-operative Societies Rules. In appeals filed against the awards passed by the Arbitrator, Tribunal passed Exts.P1 to P3. Learned counsel for the petitioner points out that by Exts.P1 to P3 awards passed by the Tribunal, Tribunal has allowed the appeals and allowed the respondent-Society to realise the award amount with reduced interest and also allowed payment in 10 equal monthly instalments. It was directed that on failure of two consecutive instalments, the respondent shall be at liberty to realise the entire amount in lump. He submits that the order of the Tribunal was received only on 19-06-2007.

2. I heard learned counsel for the respondent-society and the learned Government Pleader also. The writ petition is disposed of follows:

3. The proceedings pursuant to Exts.P4 to P6 shall not be

enforced on the condition that petitioners pay a sum of Rs. 15,000/- (fifteen thousand only) before the time of sale mentioned in Exts.P4 to P6 in respect of Exts.P1 to P3 separately. The respondent-society will serve a statement on the petitioners within ten days from today showing the amount payable by the petitioners after computing the amount due in terms of Exts.P1 to P3. As the petitioners have already been permitted to pay off the amount in instalments, the first instalment shall be payable in respect of Exts.P1 to P3 on 04/09/2007.

(K.M.JOSEPH, JUDGE)

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